

Appl No. 09/652,511  
Reply to Office action of 06/15/05  
Amendment/Response date: September 23, 2005

### **REMARKS/ARGUMENTS**

The applicant acknowledges with thanks the Final Office Action mailed June 24, 2005 from the Examiner. Accordingly, Applicant is filing this Amendment and Response to Office Action responsive to the June 24, 2005 Office Action.

In the last Office Action the examiner indicated claims 27-33 and 45 were allowable. Claims 34-44 were rejected. By this amendment, independent claims 34 and 40 were amended to comport with claim 27 and more particularly point out and claim an aspect of the invention.

#### **I. Claim Objections**

Claim 40 was objected to because of an informality (missing semi-colon ';' on line 4). Accordingly, claim 40 has been amended to add the semi-colon after the word level.

#### **II. Rejection under 35 U.S.C. § 102**

Claims 34, 38 and 40 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,516,369 to Bredin et al. (hereinafter Bredin).

By way of review, an aspect of the present invention as now recited in independent claims 34 and 40 are directed to a priority based arbitration system and/or method that use a central arbiter and a priority based arbiter. The central arbiter is coupled to a shared resource and has first and second inputs. A first device is coupled to the first input. A second device is coupled to the priority based arbiter, which intercepts access requests from the second device. The output of the priority based arbiter is coupled to the second input of the central arbiter. In addition, a signal from the first device is provided to the priority based arbiter that is indicative of the priority of the first device. The priority based arbiter delays an access request from the second device to the central arbiter based on the priority of the signal from the first device.

By contrast, Bredin teaches a 2-level mechanism for handling requests from a plurality of devices. Bredin uses a token arbitration followed by a weighted arbiter and aligner to determining which device has current access to the shared resource. Unlike as recited in claims 27, 34 and 40, which recite the request signal from the first device is received by the central arbiter and the request signal from the second device is intercepted and delayed depending upon

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the priority of the first device, the token arbitrator of Bredin receives all of the request signals and a token vector, and uses a round robin approach to fairly determine the status of each devices input request to the weighted arbiter. The weighted arbiter and aligner use the token arbiter and token status outputs to fairly determine which device with be granted access to the shared resource.

Thus Bredin does not disclose a system where a first device is coupled to a central arbiter, and a second device is coupled to a priority based arbiter which intercepts request signals from the second device and delays them from reaching the central arbiter. The amount of delay is based on the priority level of the first device, and the priority based arbiter receives a signal from the first device indicative of the priority level.

Claim 38 is directly dependent from claim 34, and therefore contains each and every element of claim 34. Thus, for the reasons already set forth for claim 34, claim 38 is also not anticipated by Bredin.

### III. Rejections under 35 U.S.C. § 103

Claims 39, 43 and 44 were rejected under 35 U.S.C. § 103 based on the combination of Bredin and applicant's admitted prior art (AAPA). Claims 35-37, 41 and 42 were rejected as obvious based on the combination of Bredin and U.S. Patent No. 6,118,877 to Kalkunte et al. (*hereinafter* Kalkunte).

The aforementioned deficiencies in Bredin are not remedied by any teaching of Kalkunte. The examiner relies on Kalkunte to teach a value is input into a counter based on a signal indicative of the priority status of a first device, which does not remedy the aforementioned deficiencies in Bredin. Therefore, neither Bredin nor Kalkunte, alone or in combination teach, suggest or motivate the present invention.

Furthermore, claims 35-39 are directly dependent from claim 34 and contain each and every element of claim 34. Claims 41-45 are directly dependent from claim 40 and therefore contain each and every element of claim 40. Therefore, for the reasons already set forth for claims 34 and 40, claims 35-37 and 41-45 are allowable over the cited prior art.


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#### IV. Conclusion

For the reasons set forth above, claims 34-44 are not anticipated or obvious based on the cited prior art. Claims 27-33 and 45 have been indicated as allowed by the examiner. Therefore, all of the claims pending in this application should be in condition for allowance. If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/02659.

Respectfully submitted,

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